

**A SUBSTITUTE ORDINANCE BY
FINANCE AND EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE, TO ENTER INTO NEGOTIATIONS WITH FULTON COUNTY TO PURCHASE THE FORMER ADAMS PARK LIBRARY PROPERTY LOCATED AT 1480 DELOWE DRIVE SW, ATLANTA, GEORGIA 30331 ON BEHALF OF THE CITY OF ATLANTA ("CITY"); AND TRANSFER TO AND FROM APPROPRIATIONS IN THE 2007 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET PARKS WEST DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT AN AMOUNT NOT TO EXCEED \$207,000, AND FOR OTHER PURPOSES

WHEREAS, Fulton County is the owner of property located at 1480 Delowe Drive SW, Atlanta, Georgia 30331 ("Property") more fully described in EXHIBIT "A" attached hereto and made a part hereof by reference, which was the site of the old Adams Park Library; and

WHEREAS, said Property is surrounded on three sides by the City's Adams Park; and

WHEREAS, Fulton County has built a new library at another location, has abandoned the Property, declared it surplus and is attempting to sell it; and

WHEREAS, the City desires to acquire ownership of the Property to make it a part of Adams Park; and

WHEREAS, should Fulton County refuse to sell the Property to the City, the City seeks the right to acquire the property from the future owner of the Property utilizing the City's eminent domain powers; and

WHEREAS, Fulton County is desirous of entering into a lease to occupy 1800 square feet of space for three (3) years in the City's Burdine Community Center for the purpose of operating a library; and

WHEREAS, in the event Fulton County agrees to sell the Property, the City would offset the Purchase Price by the rental amount of a three (3) year lease in the Burdine Community Center; and

WHEREAS, purchasing the Property is consistent with the City's goal of greenspace acquisition, preservation and park expansion.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

SECTION 1: The Mayor or her designee be and is hereby authorized, on behalf of the City of Atlanta ("City"), to enter into negotiations with Fulton County to purchase the Property located at 1480 Delowe Drive SW, more fully described in EXHIBIT "A" attached hereto and made a part hereof by reference, at Fulton County's appraised value of Eighty-five Thousand Dollars (\$85,000.00) or a maximum of One Hundred and Twenty Seven Thousand Dollars (\$127,000.00) ("Purchase Price") if so substantiated by a current City appraisal. The Mayor is further authorized to offset the Purchase Price by the amount set forth in Section 2 below.

SECTION 2: The Mayor or her designee be and is hereby authorized, on behalf of the City to enter into a three (3) year lease with Fulton County for 1895 square feet in the Burdine Community Center at a rent of \$8.44 per square feet per year, for a total of \$47,981.40 for three years. The Mayor is further authorized to offset the rent of \$47,981.40 from the Purchase Price of the Property.

SECTION 3: The Chief Procurement Officer or his designee is hereby authorized to obtain or review surveys, title reports, environmental assessments, and appraisals for this Property. In addition, the Chief Procurement Officer or his designee is authorized to obtain and pay for those items and services necessary to purchase the Property, including but not limited to title insurance, real estate service fees, cleanup, closing costs and other costs of acquisition, demolition and development ("The City's Due Diligence, Purchase Services and Development Costs").

SECTION 4: In the event the negotiations fail, the City Attorney is hereby authorized to use all means necessary and within her power, up to and including Condemnation to acquire the necessary real property interest from Fulton County's successor in interest; and the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle Condemnation proceedings and pay for such services without further authorization from City Council.

SECTION 5: The 2007 General Government Capital Outlay Fund Budget, Department of Planning and Community Development is hereby amended as follows:

TRANSFER FROM APPROPRIATIONS

1C28	General Government Capital Outlay Fund	
792001	Reserve, Designated	
T31X04109991	Admin. Development Recoupment Fees	\$207,000.00

TRANSFER TO APPROPRIATIONS

1C28	General Government Capital Outlay Fund	
774001	Fac. Other Than Buildings	
Y63F060392BG	Citywide Greenway Trail Projects	\$207,000.00

SECTION 6: The City's total acquisition costs in the total amount not to exceed Two Hundred and Seven Thousand Dollars (\$207,000.00), which includes the purchase price not to exceed One Hundred Twenty Seven Dollars plus Due Diligence Costs, Condemnation Costs, Demolition Costs, Purchase services and Development Costs in the amount not to exceed Eighty Thousand Dollars (\$80,000.00), shall be paid from 1C28 (General Government Capital Outlay Fund) 574001 (Facilities Other than Buildings) Y63F060392BG (City Wide Greenspace Program).

SECTION 7: Upon acquisition, the Department of Parks, Recreation, and Cultural Affairs, Bureau of Parks, is hereby charged with all responsibility for the Property.

SECTION 8: The City's Greenspace Acquisition Consultant, ("the Consultant") is authorized to settle the acquisition of the Property in an amount authorized by the Chief Procurement Officer. The Consultant may also arrange and negotiate for the Due Diligence and Purchase Services.

SECTION 9: The requirements of the City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are waived to allow the purchase of the Property on behalf of the City without further authorization by the City Council.

SECTION 10: The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the Law Department deems to be necessary or advisable in order to carry into effect the intent of this ordinance.

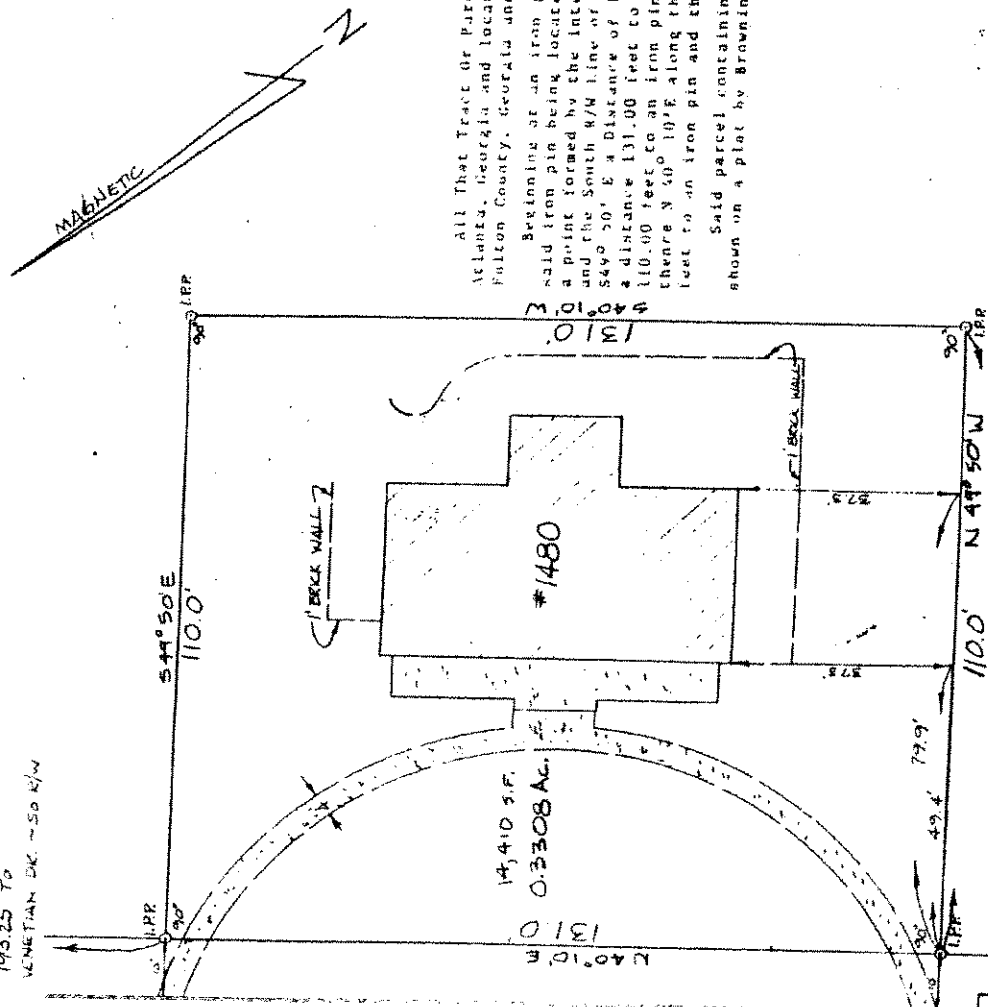
SECTION 11: The City Attorney is hereby directed to prepare for execution by the Mayor, any and all deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry into effect the intent of this ordinance.

SECTION 12: Said deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been signed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney.

SECTION 13: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

NOTE: REFERENCE CASCADE HEIGHTS SUBDIVISION ACCORDING TO
REVISED PLAT BY W. J. NALLEY, ENGINEER, DATED 10-22-24,
ON FILE IN THE OFFICE OF THE ATLANTA TITLE & TRUST CO.

DELOWE DRIVE ~ 50' R/W ~ 30' PVMT



All That Tract Or Parcel Of Land lying and being in the city of Atlanta, Georgia and located in Land lot 124 of the 14th District, Fulton County. Grants and being more particularly described as follows:--

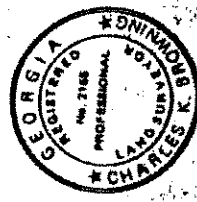
Beginning at an iron pin on the East S/W Line of Belove Drive (50' R/W) said iron pin being located 540' 10" W a distance of 193.25 feet from a point formed by the intersection of the East S/W line of Belove Drive and the South S/W line of Venetian Drive (50' R/W) and running thence S49° 50' E a distance of 110.00 feet to an iron pin and running thence a distance 131.00 feet to an iron pin; thence N 49° 30' W a distance of 110.00 feet to an iron pin located on the East S/W line of Belove Drive; thence N 40° 10' E along the East S/W line of Belove Drive a distance of 131.00 feet to an iron pin and the point of Beginning.

Said parcel containing 0.3308 acres (14,410 sq. ft.) and is more fully shown on a plat by Browning/Rhodes Engineering dated January 9, 1984.

PROPERTY SURVEY OF
ADAMS PARK LIBRARY
LOCATED IN
LAND LOT 184 ~ 14TH DISTRICT
CITY OF ATLANTA
FULTON COUNTY, GEORGIA

PREPARED BY
BROWNING/RHODES ENGINEERS
DATE JANUARY 9, 1984 SCALE 1" = 20'

JOB NO. 83694 - FIELD PROX. 53



In my opinion, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

Charles V. Pearson
 Member, Surveying and Mapping Society
 of Georgia

The field data upon which this map or plat is based has a closure precision of one foot in 10,000 feet and an angular error of 25 per angle point, and was adjusted using Cochran's rule.

has been calculated
is found to be accu-
rate in 10,000 to 1 case.

CHINA EDITOR
- CHINA
aim the linear and
ents used in the
his plat.